

IC 20-19-3

Chapter 3. Department of Education

IC 20-19-3-1

Establishment

Sec. 1. The department of education is established.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-2

Director

Sec. 2. The state superintendent is the director of the department.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-3

Hiring personnel

Sec. 3. The state superintendent:

- (1) subject to IC 20-19-2-8(a)(1); and
- (2) with the approval of the budget agency;

may hire the personnel necessary to perform the duties of the department under this title.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-4

Duties of department; suspension and expulsion statistics; provision of data necessary for audit or evaluation of education programs

Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.

- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) Battery (IC 35-42-2-1).
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department shall develop guidelines necessary to implement this section.

As added by P.L.1-2005, SEC.3. Amended by P.L.242-2005, SEC.10; P.L.213-2015, SEC.152.

IC 20-19-3-5

Powers of department

Sec. 5. The department may:

- (1) exercise the powers granted by statute;
- (2) with the approval of the budget agency, employ experts and consultants to assist the department in carrying out its functions;
- (3) with the consent of other state agencies, use the services and facilities of other state agencies without reimbursements;
- (4) accept in the name of the department, for use in carrying out the functions of the department, money received by gift, grant, bequest, or otherwise;
- (5) accept voluntary and uncompensated services; and
- (6) expend funds made available to the department according to policies established by the budget agency.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-6

Repealed

(As added by P.L.1-2005, SEC.3. Repealed by P.L.286-2013, SEC.14.)

IC 20-19-3-7

Federal grants; restrictions on acceptance or distribution; withdrawal from grant program

Sec. 7. (a) The department may not accept or distribute to school corporations grants from the federal government under Title III of P.L.103-227 (repealed), if the state superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:

(1) Authorizes an officer or employee of the federal government to mandate, direct, or control at least one (1) of the following:

(A) The department.

(B) A school corporation.

(C) A school curriculum or program of instruction.

(D) Allocation of a state or local government resource.

(2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227 (repealed).

(3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one (1) of the following:

(A) Social services.

(B) Health care.

(C) Nutrition.

(D) Services related to the services listed in clauses (A) through (C).

(E) Child care services.

(4) Requires a school corporation, as a condition of participation, to implement an outcome based education program.

(5) Requires a school corporation, as a condition of participation, to adopt:

(A) a national curriculum; or

(B) national assessment standards.

(6) Requires federal government certification of:

(A) a state curriculum; or

(B) state assessment standards.

(b) The governing body of a school corporation that receives a grant under this section may withdraw from participation in the grant program at the following times:

(1) At the end of a school year.

(2) At any time during a school year, if money received for participation in the grant program is returned to the department. The amount that a school corporation must return to the department is the amount received for expenditure during the

time after the school corporation has ceased to participate in the program.
As added by P.L.1-2005, SEC.3.

IC 20-19-3-8

Limitation on department approval of certain plans; central clearinghouse for prototype designs

Sec. 8. (a) The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the terms of a federal grant or a federal law.

(b) Notwithstanding subsection (a), the department shall establish a central clearinghouse for access by school corporations that may want to use a prototype design in the construction of school facilities. The department shall compile necessary publications and may establish a computer data base to distribute information on prototype designs to school corporations. Architects and engineers registered to practice in Indiana may submit plans and specifications for a prototype design to the clearinghouse. The plans and specifications may be accessed by any person. However, the following provisions apply to a prototype design submitted to the clearinghouse:

(1) The original architect of record or engineer of record retains ownership of and liability for a prototype design.

(2) A school corporation or other person may not use a prototype design without the site-specific, written permission of the original architect of record or engineer of record.

(3) An architect's or engineer's liability under subdivision (1) is subject to the requirements of subdivision (2).

The state board may adopt rules under IC 4-22-2 to implement this subsection.

As added by P.L.1-2005, SEC.3. Amended by P.L.146-2008, SEC.453; P.L.233-2015, SEC.35.

IC 20-19-3-9

Repealed

(As added by P.L.121-2009, SEC.4 and P.L.182-2009(ss), SEC.303. Repealed by P.L.1-2010, SEC.156.)

IC 20-19-3-9.2

Duty of the department to establish and maintain an employee data base

Sec. 9.2. The department shall establish and maintain a searchable data base of information concerning employees and former employees who have been reported to the department under IC 20-28-5-8. The department shall make the data base available to the public.

As added by P.L.1-2010, SEC.74.

IC 20-19-3-9.4

Disclosure of student test number information

Sec. 9.4. (a) Beginning January 1, 2010, the department may obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information to:

- (1) access the information at any time; and
- (2) accurately determine:
 - (A) where each student is enrolled and attending classes; and
 - (B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation;

as of any date after December 31, 2009, occurring before two

- (2) regular instructional days before the date of the inquiry.

Each school corporation and charter school shall provide the information to the department in the form and on a schedule that permits the department to comply with this section. The department shall provide technical assistance to school corporations and charter schools to assist school corporations and charter schools in complying with this section.

(b) Beginning with the 2015-2016 school year, each school corporation and charter school shall annually:

- (1) determine whether a student's parent is a member of:
 - (A) the armed forces of the United States who is on active duty;
 - (B) the reserve component of a branch of the armed forces of the United States; or
 - (C) the national guard; and
- (2) provide a list to the department of the students who have been identified under subdivision (1).

The department shall assign each student identified under subdivision (1) a unique identifier, which may be a modification of the student's test number assigned under subsection (a), by which data concerning military connected students may be disaggregated.

As added by P.L.1-2010, SEC.75. Amended by P.L.43-2014, SEC.2.

IC 20-19-3-10**Dating violence educational materials**

Sec. 10. (a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

- (1) model dating violence educational materials; and
- (2) a model for dating violence response policies and reporting.

Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of dating violence.

- (2) The basic principles of dating violence prevention.
- (3) Methods of parental education and outreach.

As added by P.L.83-2010, SEC.1.

IC 20-19-3-11

Development and implementation of child abuse and child sexual abuse education program

Sec. 11. (a) The department, in collaboration with the department of child services and organizations that have expertise in child abuse, including child sexual abuse, shall identify or develop:

- (1) research and evidence based model educational materials on child abuse and child sexual abuse; and
- (2) a model for child abuse and child sexual abuse response policies and reporting procedures.

To identify or develop models under this subsection, the department may not hire additional staff members or expend funds not already included in the department's budget.

(b) Not later than July 1, 2013, the department shall make the models developed or identified under this section available to assist schools with the implementation of:

- (1) child abuse and child sexual abuse education programs in grade 2 through grade 5; and
- (2) child abuse and child sexual abuse response and reporting policies.

(c) The model educational materials on child abuse and child sexual abuse identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of a child who is being abused or sexually abused.
- (2) The basic principles of child abuse and child sexual abuse prevention.
- (3) Methods of student, teacher, and parental education and outreach.

(d) The model child abuse and child sexual abuse response and reporting policies referred to in subsection (b) may include the following topics:

- (1) Actions that a child who is a victim of abuse or sexual abuse may take to obtain assistance.
- (2) Interventions.
- (3) Counseling options.
- (4) Educational support available for a child who is a victim of abuse or sexual abuse to enable the child to continue to be successful in school.
- (5) Reporting procedures.

(e) A school that chooses to use the model educational materials developed under subsection (a) shall inform the parents of students in the grade levels in which the materials could be used, in writing and by posting on the school's Internet web site, that a parent may:

- (1) examine and review the model educational materials before

the materials are taught; and

(2) decide if the parent's child will be instructed with the model educational materials.

(f) If a parent decides that the parent's child may be taught using the model educational materials, the parent shall notify the school of the parent's decision in writing or electronically.

As added by P.L.46-2012, SEC.1. Amended by P.L.13-2013, SEC.54.

IC 20-19-3-12

Identification, development, and availability of model educational materials on criminal gang activity

Sec. 12. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal gang education, prevention, or intervention that the department determines to be appropriate, shall:

(1) identify or develop evidence based model educational materials on criminal gang activity; and

(2) develop and maintain a model policy to address criminal gangs and criminal gang activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal gang policy.

(c) The model educational materials on criminal gang activity identified or developed under subsection (a)(1) must include information:

(1) to educate students and parents on the extent to which criminal gang activity exists;

(2) regarding the negative societal impact that criminal gangs have on the community;

(3) on methods to discourage participation in criminal gangs; and

(4) on methods of providing intervention to a child suspected of participating in criminal gang activity.

(d) The model criminal gang policy developed under subsection (a)(2) must include:

(1) a statement prohibiting criminal gang activity in schools;

(2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal gang activity;

(3) definitions of "criminal gang" as set forth in IC 35-45-9-1 and "criminal gang activity";

(4) model procedures for:

(A) reporting suspected criminal gang activity; and

(B) the prompt investigation of suspected criminal gang activity;

(5) information about the types of support services, including family support services, available for a student suspected of

participating in criminal gang activity; and
(6) recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

As added by P.L.190-2013, SEC.6. Amended by P.L.233-2015, SEC.36.

IC 20-19-3-12.2

Reduction in absenteeism; policy priority; resources and guidance

Sec. 12.2. (a) The department shall make reduction of absenteeism in schools a policy priority and provide assistance and guidance to school corporations and schools in:

- (1) identifying contributing factors of absenteeism; and
- (2) developing chronic absence reduction plans that school corporations may elect to include as a component of the school improvement plans required under IC 20-31-5.

(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school.

As added by P.L.246-2013, SEC.4. Amended by P.L.233-2015, SEC.37.

IC 20-19-3-13

Repealed

(As added by P.L.205-2013, SEC.224. Repealed by P.L.213-2015, SEC.153.)

IC 20-19-3-14

Division of school building physical security and safety; establishment; duties

Sec. 14. (a) As used in this section, "division" refers to the division of school building physical security and safety established by subsection (c).

(b) As used in this section, "physical security" refers to security measures that are designed to deny unauthorized access to a building or facility, including equipment and resources, and to protect individuals and property from damage or harm.

(c) The division of school building physical security and safety is established within the department.

(d) The division shall:

- (1) establish and maintain guidelines for using professional architectural and engineering services to integrate physical security improvements and safety practices in the construction, renovation, repair, or alteration of a school facility;
- (2) carry out the department's responsibilities with regards to the school safety specialist training and certification program established in IC 5-2-10.1-11;

- (3) establish and maintain guidelines for establishing emergency response protocols in cooperation with other state agencies;
 - (4) carry out the department's responsibilities under IC 5-2-10.1-12;
 - (5) coordinate the department's response and recovery assistance to a school in the event of a manmade or natural disaster;
 - (6) provide information and guidance to assist school corporations or schools to establish mutual aid disaster assistance agreements with other schools or school corporations; and
 - (7) study and collect information to integrate lessons learned from previous school disasters throughout the country into the curriculum of the school safety specialist training and certification program established in IC 5-2-10.1-11 and guidelines established by the division under this subsection.
- (e) The division may, upon request by a school corporation:
- (1) review a school safety plan;
 - (2) provide an onsite safety review for a school; and
 - (3) provide guidance or assistance relating to school safety matters to the school corporation.
- (f) The division shall maintain a secure Internet web site to provide school officials and public safety officials access to information that is considered classified under IC 5-14-3-4(b)(1), IC 5-14-3-4(b)(18), and IC 5-14-3-4(b)(19) or other sensitive information that may assist school officials and public safety officials in improving school safety or responding to a manmade or natural disaster.
- (g) The division shall maintain a public Internet web site that contains:
- (1) the guidelines established by the division under subsection (d);
 - (2) best practices pertaining to school safety; and
 - (3) any other information the division determines may be necessary to carry out the division's duties or responsibilities under this section.

As added by P.L.36-2014, SEC.1.

IC 20-19-3-15

School enrollment incentives prohibited

Sec. 15. (a) This section does not apply to a school promotional item that has minimal monetary value.

(b) As used in this section, "school" means any of the following:

- (1) A school corporation.
- (2) A charter school, including a conversion charter school or a virtual charter school.
- (3) A nonpublic school that has any students enrolled who receive a choice scholarship under IC 20-51-4.

(c) A school may not offer or give, as an enrollment incentive, any item that has monetary value, including cash or a gift card that may

be used at a retail store, grocery store, online store, or other commercial enterprise, to:

- (1) a prospective student (or the parent of a prospective student) in exchange for enrolling the prospective student at the school;
- or
- (2) any person in exchange for referring a prospective student to the school.

As added by P.L.223-2015, SEC.1.

IC 20-19-3-15.3

Duty to furnish information about implementation of ISTEP for the 2016 testing dates

Sec. 15.3. (a) Before August 1, 2015, the department shall furnish information to all affected teachers and schools about the implementation of the ISTEP program for the 2016 testing dates.

(b) In addition, the department shall post the information disseminated under subsection (a) to the department's Internet web site.

(c) This section expires July 1, 2016.

As added by P.L.213-2015, SEC.154.